



**State of New Hampshire**  
**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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DERRY EDUCATION ASSOCIATION, NEA-  
NEW HAMPSHIRE  
  
                                Petitioner  
  
                                v.  
  
DERRY COOPERATIVE SCHOOL DISTRICT/  
SCHOOL BOARD, et al  
  
                                Respondents  
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CASE NO. T-0223:9  
  
DECISION NO. 85-94

APPEARANCES

Representing the Derry Education Association, NEA-New Hampshire

James Allmendinger, Esq., Staff Attorney, NEA/NH

Representing the Derry Cooperative School District/School Board, et al

Robert Leslie, Esq., Counsel

Also in attendance

Marc Benson, UniServ Director, NEA/NH, Region IV  
David M. Brown, Superintendent, SAU #10

BACKGROUND

On April 2, 1985, the PELRB issued a unanimous decision wherein it granted the Derry Cooperative School District's ("District") motion to dismiss the improper practice charge filed against the District in July of 1984. The PELRB, in granting the District's motion to dismiss, noted that the issue in the case, the reduction in the number of days the school would use "coordinators" beyond the regular academic year, had been the subject of arbitration and the arbitrator had ruled that the School District had not breached the contract.

The Derry Education Association ("Association") on April 23, 1985, filed a motion for a rehearing alleging that the PELRB had erred in failing to follow the N.H. Supreme Court decision in Appeal of White Mountain Regional School Board, (No. 83-374, December 1984). Where the Court held, inter alia, that, "even where a term or condition of employment has been set by some practice or agreement quite independent of a collective bargaining agreement, an employer may not change that term unilaterally without bargaining about the change". The Association